

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 371 of 1999

with

CIVIL REVISION APPLICATION No 576 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GEETA ARVINDKUMAR PATEL

Versus

ARVINDKUMAR MULCHANDDAS PATEL

Appearance:

1. Civil Revision Application No. 371 of 1999
MR UNMESH D SHUKLA for Petitioners
MR MB GANDHI for Respondent
 2. Civil Revision Application No 576 of 1999
MR MB GANDHI for Petitioner
MR UNMESH D SHUKLA for Respondents
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/02/2000

ORAL JUDGEMENT

1. It is an unfortunate litigation between the husband and a wife and more unfortunate is that they are of sufficiently advanced age. This is an age where they have to live together and give company to each other but they are fighting in the court. Be that as it may.

2. Under the impugned order, the learned trial court reviewed the order which was passed by it earlier under which by way of interim maintenance Rs.2500/= have been awarded to the petitioners against the respondent. Under the impugned order, the respondent was directed to pay Rs.1500/- towards interim maintenance to the petitioners.

3. If we go by the facts of this case, I do not find any justification in the order of the learned trial court to review its earlier order. Learned trial court has not found any error much less an error apparent on the face of the order earlier made by it and as such there was no occasion for it to review that order but only on this ground I do not find any justification in the action of both the parties to approach this court.

4. Under the impugned order, only interim maintenance has been granted pending final disposal of the suit filed by the petitioners under sections 18 and 20 of Hindu Adoption and Maintenance Act, 1956. The suit is still pending and the court will finally decide the same after taking evidence, what amount of maintenance has to be awarded to the petitioners. It is a case where the amount of interim maintenance awarded to the petitioners-daughter and wife of the respondent is towards the lower side. Rs.1500/- is hardly an amount which can be said to be sufficient amount to meet the costs of bare necessities of life in these days of high prices. Still it is unfortunate that the respondent has challenged that order in this court. The petitioners in their revision application are praying for enhancement of the amount of interim maintenance whereas the respondent in his revision petition is praying for setting aside of that order. The respondent is an old man so he may be facing financial crisis but nevertheless he is the husband of the petitioner No.1 and father of petitioner No.2 and as such it is his legal obligation to maintain them and what precisely it has been reminded to him by the learned trial court under the impugned order.

5. In the facts of this case, no interference with

the order of the learned trial court is called for only for the reason that it is only an interlocutory order and the revision applications are dismissed. However, learned trial court is directed to decide the suit itself finally within a period of six months from the date of receipt of writ of this order. This is a suit for maintenance and the court should have taken all the care to see that instead of consuming its time in deciding this interlocutory application, the suit itself should have been decided finally. Rule in both these revision applications stand discharged. Interim relief, if any, granted by this court stands vacated. However, the parties are directed to bear their own costs of the revision applications.

zgs/-